

AMENDED IN ASSEMBLY MARCH 25, 2003

AMENDED IN ASSEMBLY MARCH 4, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 233

Introduced by Assembly Member Cogdill

(Coauthors: Assembly Members Benoit, Chavez, Cohn, Cox, Diaz, Dutton, Maddox, Matthews, Maze, Plescia, and Wyland)

(Coauthors: Senators Battin, Denham, Margett, Morrow, Oller, and Soto)

January 30, 2003

An act to amend Section 11379.7 of the Health and Safety Code, and to amend ~~Sections 666.7 and 11160~~ *Section 666.7* of the Penal Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 233, as amended, Cogdill. Controlled substances: manufacture.

(1) Existing law provides that any person convicted of unlawfully manufacturing, or possessing specified precursors with the intent to manufacture, methamphetamine or phencyclidine, when the commission or attempted commission of the crime occurs in a structure where any child under 16 years of age is present, shall be punished by an additional 2 years in the state prison.

This bill would ~~increase this enhancement to 5 years in the state prison and would~~ impose the enhancement, in addition, when the commission or attempted commission of the crime occurs in a structure where any child under 16 years of age resides. The bill would make a

conforming change to a related provision. By creating new enhancements this bill would impose a state-mandated local program upon local governments.

~~(2) Existing law requires the reporting of any person suffering from any wound or other physical injury inflicted upon the person if the injury is the result of assaultive or abusive conduct. A violation of this reporting provision is a misdemeanor.~~

~~This bill would provide that for the purposes of this reporting provision “physical injury” includes, but is not limited to, the detection of amphetamine, methamphetamine, lysergic acid diethylamide, phenylcyclidine, or any metabolite of these controlled substances, in the saliva, urine, or blood of any child under 12 years of age. By revising the definition of an existing crime, this bill would impose a state-mandated local program upon local governments.~~

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.~~

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11379.7 of the Health and Safety Code
- 2 is amended to read:
- 3 11379.7. (a) Except as provided in subdivision (b), any
- 4 person convicted of a violation of subdivision (a) of Section
- 5 11379.6 or Section 11383, or of an attempt to violate subdivision
- 6 (a) of Section 11379.6 or Section 11383, as those sections relate
- 7 to methamphetamine or phenylcyclidine, when the commission or
- 8 attempted commission of the crime occurs in a structure where any
- 9 child under 16 years of age is present or resides, shall, in addition
- 10 and consecutive to the punishment prescribed for the felony of
- 11 which he or she has been convicted, be punished by an additional
- 12 term of ~~five~~ two years in the state prison.
- 13 (b) Any person convicted of a violation of subdivision (a) of
- 14 Section 11379.6 or Section 11383, or of an attempt to violate
- 15 subdivision (a) of Section 11379.6 or Section 11383, as those



1 sections relate to methamphetamine or phencyclidine, where the
2 commission of the crime causes any child under 16 years of age to
3 suffer great bodily injury, shall, in addition and consecutive to the
4 punishment prescribed for the felony of which he or she has been
5 convicted, be punished by an additional term of five years in the
6 state prison.

7 (c) As used in this section, “structure” means any house,
8 apartment building, shop, warehouse, barn, building, vessel,
9 railroad car, cargo container, motor vehicle, house car, trailer,
10 trailer coach, camper, mine, floating home, or other enclosed
11 structure capable of holding a child and manufacturing equipment.

12 (d) As used in this section, “great bodily injury” has the same
13 meaning as defined in Section 12022.7 of the Penal Code.

14 SEC. 2. Section 666.7 of the Penal Code is amended to read:

15 666.7. It is the intent of the Legislature that this section serve
16 merely as a nonsubstantive comparative reference of current
17 sentence enhancement provisions. Nothing in this section shall
18 have any substantive effect on the application of any sentence
19 enhancement contained in any provision of law, including, but not
20 limited to, all of the following: omission of any sentence
21 enhancement provision, inclusion of any obsolete sentence
22 enhancement provision, or inaccurate reference or summary of a
23 sentence enhancement provision.

24 It is the intent of the Legislature to amend this section as
25 necessary to accurately reflect current sentence enhancement
26 provisions, including the addition of new provisions and the
27 deletion of obsolete provisions.

28 For the purposes of this section, the term “sentence
29 enhancement” means an additional term of imprisonment in the
30 state prison added to the base term for the underlying offense. A
31 sentence enhancement is imposed because of the nature of the
32 offense at the time the offense was committed or because the
33 defendant suffered a qualifying prior conviction before
34 committing the current offense.

35 (a) The provisions listed in this subdivision imposing a
36 sentence enhancement of one year imprisonment in the state prison
37 may be referenced as Schedule A.

38 (1) Money laundering when the value of transactions exceeds
39 fifty thousand dollars (\$50,000), but is less than one hundred fifty

- 1 thousand dollars (\$150,000) (subpara. (A), para. (1), subd. (c),
2 Sec. 186.10, Pen. C.).
- 3 (2) Commission of two or more related felonies, a material
4 element of which is fraud or embezzlement, which involve a
5 pattern of related felony conduct, involving the taking of more
6 than one hundred thousand dollars (\$100,000) (para. (3), subd. (a),
7 Sec. 186.11, Pen. C.).
- 8 (3) Felony conviction of willful harm or injury to a child,
9 involving female genital mutilation (subd. (a), Sec. 273.4, Pen.
10 C.).
- 11 (4) Prior conviction of felony hate crime with a current
12 conviction of felony hate crime (subd. (e), Sec. 422.75, Pen. C.).
- 13 (5) Harming, obstructing, or interfering with any horse or dog
14 being used by any peace officer in the discharge or attempted
15 discharge of his or her duties and, with the intent to so harm,
16 obstruct, or interfere, personally causing the death, destruction, or
17 serious physical injury of any horse or dog (subd. (c), Sec. 600,
18 Pen. C.).
- 19 (6) Prior prison term with current felony conviction (subd. (b),
20 Sec. 667.5, Pen. C.).
- 21 (7) Commission of any specified offense against a person who
22 is 65 years of age or older, blind, a paraplegic or quadriplegic, or
23 under 14 years of age (subd. (a), Sec. 667.9, Pen. C.).
- 24 (8) Showing child pornography to a minor prior to or during the
25 commission or attempted commission of any lewd or lascivious
26 act with the minor (subd. (a), Sec. 667.15, Pen. C.).
- 27 (9) Felony conviction of forgery, grand theft, or false pretenses
28 as part of a plan or scheme to defraud an owner in connection with
29 repairs to a structure damaged by a natural disaster (subd. (a), Sec.
30 667.16, Pen. C.).
- 31 (10) Impersonating a peace officer during the commission of a
32 felony (Sec. 667.17, Pen. C.).
- 33 (11) Felony conviction of any specified offense, including, but
34 not limited to, forgery, grand theft, and false pretenses, as part of
35 a plan or scheme to defraud an owner in connection with repairs
36 to a structure damaged by natural disaster with a prior felony
37 conviction of any of those offenses (subd. (c), Sec. 670, Pen. C.).
- 38 (12) Commission or attempted commission of a felony while
39 armed with a firearm (para. (1), subd. (a), Sec. 12022, Pen. C.).



1 (13) Personally using a deadly or dangerous weapon in the
2 commission or attempted commission of a felony (para. (1), subd.
3 (b), Sec. 12022, Pen. C.).

4 (14) Taking, damaging, or destroying any property in the
5 commission or attempted commission of a felony with the intent
6 to cause that taking, damage, or destruction when the loss exceeds
7 fifty thousand dollars (\$50,000) (para. (1), subd. (a), Sec. 12022.6,
8 Pen. C.).

9 (15) Transferring, lending, selling, or giving any assault
10 weapon to a minor (para. (2), subd. (a), Sec. 12280, Pen. C.).

11 (16) Manufacturing, causing to be manufactured, distributing,
12 transporting, importing, keeping for sale, offering or exposing for
13 sale, giving, or lending any assault weapon while committing
14 another crime (subd. (e), Sec. 12280, Pen. C.).

15 (17) Inducing, employing, or using a minor to commit a drug
16 offense involving heroin, cocaine, or cocaine base, or unlawfully
17 furnishing one of these controlled substances to a minor, upon the
18 grounds of, or within, a church, playground, youth center, child
19 day care facility, or public swimming pool during business hours
20 or whenever minors are using the facility (para. (1), subd. (a), Sec.
21 11353.1, H.& S.C.).

22 (18) Inducing another person to commit a drug offense as part
23 of the drug transaction for which the defendant is convicted when
24 the value of the controlled substance involved exceeds five
25 hundred thousand dollars (\$500,000) (para. (1), subd. (a), Sec.
26 11356.5, H.& S.C.).

27 (19) Manufacturing, compounding, converting, producing,
28 deriving, processing, or preparing methamphetamine or
29 phencyclidine (PCP), or attempting to commit any of those acts,
30 or possessing specified combinations of substances with the intent
31 to manufacture either methamphetamine or phencyclidine (PCP),
32 when the commission or attempted commission of the offense
33 causes the death or great bodily injury of another person other than
34 an accomplice (subd. (a), Sec. 11379.9, H.& S.C.).

35 (20) Using a minor to commit a drug offense involving
36 phencyclidine (PCP), methamphetamine, or lysergic acid
37 diethylamide (LSD), or unlawfully furnishing one of these
38 controlled substances to a minor, when the commission of the
39 offense occurs upon the grounds of, or within, a church,
40 playground, youth center, child day care facility, or public

1 swimming pool during business hours or whenever minors are
2 using the facility (para. (1), subd. (a), Sec. 11380.1, H.& S.C.).

3 (21) Possessing for sale, or selling, heroin, cocaine, cocaine
4 base, methamphetamine, or phencyclidine (PCP), when the
5 commission of the offense occurs upon the grounds of a public
6 park, public library, or oceanfront beach (para. (1), subd. (a), Sec.
7 11380.5, H.& S.C.).

8 (22) Causing bodily injury or death to more than one victim in
9 any one instance of driving under the influence of any alcoholic
10 beverage or drug (Sec. 23558, Veh. C.).

11 (23) Fraudulently appropriating food stamps, electronically
12 transferred benefits, or authorizations to participate in the federal
13 Food Stamp Program entrusted to a public employee, or
14 knowingly using, transferring, selling, purchasing, or possessing
15 any of the same in an unauthorized manner, when the offense is
16 committed by means of an electronic transfer of benefits in an
17 amount exceeding fifty thousand dollars (\$50,000), but less than
18 one hundred fifty thousand dollars (\$150,000) (subpara. (A), para.
19 (1), subd. (h), Sec. 10980, W.& I.C.).

20 (b) The provisions listed in this subdivision imposing a
21 sentence enhancement of one, two, or three years' imprisonment
22 in the state prison may be referenced as Schedule B.

23 (1) Commission or attempted commission of a felony hate
24 crime (subd. (a), Sec. 422.75, Pen. C.).

25 (2) Commission or attempted commission of a felony against
26 the property of a public or private institution because the property
27 is associated with a person or group of identifiable race, color,
28 religion, nationality, country of origin, ancestry, gender, disability,
29 or sexual orientation (subd. (b), Sec. 422.75, Pen. C.).

30 (3) Felony conviction of unlawfully causing a fire of any
31 structure, forest land, or property when the defendant has been
32 previously convicted of arson or unlawfully causing a fire, or when
33 a firefighter, peace officer, or emergency personnel suffered great
34 bodily injury, or when the defendant proximately caused great
35 bodily injury to more than one victim, or caused multiple
36 structures to burn (subd. (a), Sec. 452.1, Pen. C.).

37 (4) Carrying a loaded or unloaded firearm during the
38 commission or attempted commission of any felony street gang
39 crime (subd. (a), Sec. 12021.5, Pen. C.).



1 (5) Personally using a deadly or dangerous weapon in the
2 commission of carjacking or attempted carjacking (para. (2), subd.
3 (b), Sec. 12022, Pen. C.).

4 (6) Being a principal in the commission or attempted
5 commission of any specified drug offense, knowing that another
6 principal is personally armed with a firearm (subd. (d), Sec. 12022,
7 Pen. C.).

8 (7) Furnishing or offering to furnish a firearm to another for the
9 purpose of aiding, abetting, or enabling that person or any other
10 person to commit a felony (Sec. 12022.4, Pen. C.).

11 (8) Selling, supplying, delivering, or giving possession or
12 control of a firearm to any person within a prohibited class or to
13 a minor when the firearm is used in the subsequent commission of
14 a felony (para. (4), subd. (g), Sec. 12072, Pen. C.).

15 (9) Inducing, employing, or using a minor who is at least four
16 years younger than the defendant to commit a drug offense
17 involving any specified controlled substance, including, but not
18 limited to, heroin, cocaine, and cocaine base, or unlawfully
19 providing one of these controlled substances to a minor (para. (3),
20 subd. (a), Sec. 11353.1, H.& S.C.).

21 (10) Prior conviction of inducing, employing, or using a minor
22 to commit a drug offense involving cocaine base, or unlawfully
23 providing cocaine base to a minor that resulted in a prison sentence
24 with a current conviction of the same offense (subd. (a), Sec.
25 11353.4, H.& S.C.).

26 (11) Prior conviction of inducing, employing, or using a minor
27 to commit a drug offense involving cocaine base, or unlawfully
28 providing cocaine base to a minor with a current conviction of the
29 same offense involving a minor who is 14 years of age or younger
30 (subd. (b), Sec. 11353.4, H.& S.C.).

31 (12) Inducing, employing, or using a minor who is at least four
32 years younger than the defendant to commit a drug offense
33 involving any specified controlled substance, including, but not
34 limited to, phencyclidine (PCP), methamphetamine, and lysergic
35 acid diethylamide (LSD), or unlawfully providing one of these
36 controlled substances to a minor (para. (3), subd. (a), Sec. 11380.1,
37 H.& S.C.).

38 (13) Causing great bodily injury or a substantial probability
39 that death could result by the knowing disposal, transport,
40 treatment, storage, burning, or incineration of any hazardous

1 waste at a facility without permits or at an unauthorized point
2 (subd. (e), Sec. 25189.5, and subd. (c), Sec. 25189.7, H.& S.C.).

3 (c) The provisions listed in this subdivision imposing a
4 sentence enhancement of one, two, or five years' imprisonment in
5 the state prison may be referenced as Schedule C.

6 (1) Wearing a bullet-resistant body vest in the commission or
7 attempted commission of a violent offense (subd. (b), Sec.
8 12022.2, Pen. C.).

9 (2) Commission or attempted commission of any specified sex
10 offense while armed with a firearm or deadly weapon (subd. (b),
11 Sec. 12022.3, Pen. C.).

12 (d) The provisions listed in this subdivision imposing a
13 sentence enhancement of 16 months, or two or three years'
14 imprisonment in the state prison may be referenced as Schedule D.

15 Knowing failure to register pursuant to Section 186.30 and
16 subsequent conviction or violation of Section 186.30, as specified
17 (para. (1), subd. (b), Sec. 186.33, Pen. C.).

18 (e) The provisions listed in this subdivision imposing a
19 sentence enhancement of two years' imprisonment in the state
20 prison may be referenced as Schedule E.

21 (1) Money laundering when the value of the transactions
22 exceeds one hundred fifty thousand dollars (\$150,000), but is less
23 than one million dollars (\$1,000,000) (subpara. (B), para. (1),
24 subd. (c), Sec. 186.10, Pen. C.).

25 (2) Commission of two or more related felonies, a material
26 element of which is fraud or embezzlement, which involve a
27 pattern of related felony conduct, involving the taking of more
28 than one hundred fifty thousand dollars (\$150,000) (para. (3),
29 subd. (a), Sec. 186.11, Pen. C.).

30 (3) Conviction of any specified felony sex offense that is
31 committed after fleeing to this state under specified circumstances
32 (subd. (d), Sec. 289.5, Pen. C.).

33 (4) Prior conviction of any specified insurance fraud offense
34 with current conviction of willfully injuring, destroying,
35 secreting, abandoning, or disposing of any property insured
36 against loss or damage by theft, embezzlement, or any casualty
37 with the intent to defraud or prejudice the insurer (subd. (b), Sec.
38 548, Pen. C.).

39 (5) Prior conviction of any specified insurance fraud offense
40 with current conviction of knowingly presenting any false or

1 fraudulent insurance claim or multiple claims for the same loss or
2 injury, or knowingly causing or participating in a vehicular
3 collision for the purpose of presenting any false or fraudulent
4 claim, or providing false or misleading information or concealing
5 information for purpose of insurance fraud (subd. (e), Sec. 550,
6 Pen. C.).

7 (6) Causing serious bodily injury as a result of knowingly
8 causing or participating in a vehicular collision or accident for the
9 purpose of presenting any false or fraudulent claim (subd. (g), Sec.
10 550, Pen. C.).

11 (7) Harming, obstructing, or interfering with any horse or dog
12 being used by any peace officer in the discharge or attempted
13 discharge of his or her duties and, with the intent to cause great
14 bodily injury, personally causing great bodily injury to any person
15 other than an accomplice (subd. (d), Sec. 600, Pen. C.).

16 (8) Prior conviction of any specified offense with current
17 conviction of any of those offenses committed against a person
18 who is 65 years of age or older, blind, a paraplegic or quadriplegic,
19 or under 14 years of age (subd. (b), Sec. 667.9, Pen. C.).

20 (9) Prior conviction for sexual penetration with current
21 conviction of the same offense committed against a person who is
22 65 years of age or older, blind, deaf, developmentally disabled, a
23 paraplegic or quadriplegic, or under 14 years of age (subd. (a), Sec.
24 667.10, Pen. C.).

25 (10) Showing child pornography to a minor prior to or during
26 the commission or attempted commission of continuous sexual
27 abuse of the minor (subd. (b), Sec. 667.15, Pen. C.).

28 (11) Primary care provider in a day care facility committing
29 any specified felony sex offense against a minor entrusted to his
30 or her care (subd. (a), Sec. 674, Pen. C.).

31 (12) Commission of a felony offense while released from
32 custody on bail or own recognizance (subd. (b), Sec. 12022.1, Pen.
33 C.).

34 (13) Taking, damaging, or destroying any property in the
35 commission or attempted commission of a felony with the intent
36 to cause that taking, damage, or destruction when the loss exceeds
37 one hundred fifty thousand dollars (\$150,000) (para. (2), subd. (a),
38 Sec. 12022.6, Pen. C.).

39 (14) Inducing, employing, or using a minor to commit a drug
40 offense involving heroin, cocaine, or cocaine base, or unlawfully



1 furnishing one of these controlled substances to a minor, upon, or
2 within 1,000 feet of, the grounds of a school during school hours
3 or whenever minors are using the facility (para. (2), subd. (a), Sec.
4 11353.1, H.& S.C.).

5 (15) Inducing another person to commit a drug offense as part
6 of the drug transaction for which the defendant is convicted when
7 the value of the controlled substance involved exceeds two million
8 dollars (\$2,000,000) (para. (2), subd. (a), Sec. 11356.5, H.& S.C.).

9 (16) Manufacturing, compounding, converting, producing,
10 deriving, processing, or preparing methamphetamine or
11 phencyclidine (PCP), or attempting to commit any of those acts,
12 or possessing specified combinations of substances with the intent
13 to manufacture either methamphetamine or phencyclidine (PCP),
14 when the commission or attempted commission of the crime
15 occurs in a structure where any child under 16 years of age is
16 present or resides (subd. (a), Sec. 11379.7, H.& S.C.).

17 (17) Using a minor to commit a drug offense involving
18 phencyclidine (PCP), methamphetamine, or lysergic acid
19 diethylamide (LSD), or unlawfully furnishing one of these
20 controlled substances to a minor, upon, or within 1,000 feet of, the
21 grounds of a school during school hours or whenever minors are
22 using the facility (para. (2), subd. (a), Sec. 11380.1, H.& S.C.).

23 (18) Prior felony conviction of any specified insurance fraud
24 offense with a current conviction of making false or fraudulent
25 statements concerning a workers' compensation claim (subd. (c),
26 Sec. 1871.4, Ins. C.).

27 (19) Prior felony conviction of making or causing to be made
28 any knowingly false or fraudulent statement of any fact material
29 to the determination of the premium, rate, or cost of any policy of
30 workers' compensation insurance for the purpose of reducing the
31 premium, rate, or cost of the insurance with a current conviction
32 of the same offense (subd. (b), Sec. 11760, Ins. C.).

33 (20) Prior felony conviction of making or causing to be made
34 any knowingly false or fraudulent statement of any fact material
35 to the determination of the premium, rate, or cost of any policy of
36 workers' compensation insurance issued or administered by the
37 State Compensation Insurance Fund for the purpose of reducing
38 the premium, rate, or cost of the insurance with a current
39 conviction of the same offense (subd. (b), Sec. 11880, Ins. C.).

(21) Fraudulently appropriating food stamps, electronically transferred benefits, or authorizations to participate in the federal Food Stamp Program entrusted to a public employee, or knowingly using, transferring, selling, purchasing, or possessing, any of the same in an unauthorized manner, when the offense is committed by means of an electronic transfer of benefits in an amount exceeding one hundred fifty thousand dollars (\$150,000), but less than one million dollars (\$1,000,000) (subpara. (B), para. (1), subd. (h), Sec. 10980, W.& I.C.).

(f) The provisions listed in this subdivision imposing a sentence enhancement of two, three, or four years' imprisonment in the state prison may be referenced as Schedule F.

(1) Commission of a felony, other than a serious or violent felony, for the benefit of, at the direction of, or in association with, any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members (subpara. (A), para. (1), subd. (b), Sec. 186.22, Pen. C.).

(2) Acting in concert with another person or aiding or abetting another person in committing or attempting to commit a felony hate crime (subd. (c), Sec. 422.75, Pen. C.).

(3) Carrying a loaded or unloaded firearm together with a detachable shotgun magazine, a detachable pistol magazine, a detachable magazine, or a belt-feeding device during the commission or attempted commission of any felony street gang crime (subd. (b), Sec. 12021.5, Pen. C.).

(g) The provisions listed in this subdivision imposing a sentence enhancement of two, three, or five years' imprisonment in the state prison may be referenced as Schedule G.

Commission of two or more related felonies, a material element of which is fraud or embezzlement, which involve a pattern of related felony conduct, involving the taking of more than five hundred thousand dollars (\$500,000) (para. (2), subd. (a), Sec. 186.11, Pen. C.).

(h) The provisions listed in this subdivision imposing a sentence enhancement of three years' imprisonment in the state prison may be referenced as Schedule H.

(1) Money laundering when the value of transactions exceeds one million dollars (\$1,000,000), but is less than two million five hundred thousand dollars (\$2,500,000) (subpara. (C), para. (1), subd. (c), Sec. 186.10, Pen. C.).

- 1 (2) Solicitation, recruitment, or coercion, of a minor to actively
2 participate in a criminal street gang (subd. (d), Sec. 186.26, Pen.
3 C.).
- 4 (3) Willfully mingling any poison or harmful substance which
5 may cause death if ingested, or which causes the infliction of great
6 bodily injury on any person, with any food, drink, medicine, or
7 pharmaceutical product or willfully placing that poison or harmful
8 substance in any spring, well, reservoir, or public water supply
9 (para. (2), subd. (a), Sec. 347, Pen. C.).
- 10 (4) Causing great bodily injury by willfully causing or
11 permitting any elder or dependent adult to suffer, or inflicting pain
12 or mental suffering upon, or endangering the health of, an elder or
13 dependent adult when the victim is under 70 years of age (subpara.
14 (A), para. (2), subd. (b), Sec. 368, Pen. C.).
- 15 (5) Maliciously driving or placing, in any tree, saw-log,
16 shingle-bolt, or other wood, any iron, steel, ceramic, or other
17 substance sufficiently hard to injure saws and causing bodily
18 injury to another person other than an accomplice (subd. (b), Sec.
19 593a, Pen. C.).
- 20 (6) Prior prison term for violent felony with current violent
21 felony conviction (subd. (a), Sec. 667.5, Pen. C.).
- 22 (7) Commission of any specified felony sex offense by a
23 primary care provider in a day care facility against a minor
24 entrusted to his or her care while voluntarily acting in concert with
25 another (subd. (b), Sec. 674, Pen. C.).
- 26 (8) Commission or attempted commission of a felony while
27 armed with an assault weapon or a machinegun (para. (2), subd.
28 (a), Sec. 12022, Pen. C.).
- 29 (9) Taking, damaging, or destroying any property in the
30 commission or attempted commission of a felony with the intent
31 to cause that taking, damage, or destruction when the loss exceeds
32 one million dollars (\$1,000,000) (para. (3), subd. (a), Sec.
33 12022.6, Pen. C.).
- 34 (10) Personally inflicting great bodily injury on any person
35 other than an accomplice in the commission or attempted
36 commission of a felony (subd. (a), Sec. 12022.7, Pen. C.).
- 37 (11) Administering by injection, inhalation, ingestion, or any
38 other means, any specified controlled substance against the
39 victim's will by means of force, violence, or fear of immediate and

1 unlawful bodily injury to the victim or another person for the
2 purpose of committing a felony (Sec. 12022.75, Pen. C.).

3 (12) Commission of any specified sex offense with knowledge
4 that the defendant has acquired immune deficiency syndrome
5 (AIDS) or with the knowledge that he or she carries antibodies of
6 the human immunodeficiency virus at the time of the commission
7 of the offense (subd. (a), Sec. 12022.85, Pen. C.).

8 (13) Inducing another person to commit a drug offense as part
9 of the drug transaction for which the defendant is convicted when
10 the value of the controlled substance involved exceeds five million
11 dollars (\$5,000,000) (para. (3), subd. (a), Sec. 11356.5, H.& S.C.).

12 (14) Prior conviction of any specified drug offense with current
13 conviction of any specified drug offense (subs. (a), (b), and (c),
14 Sec. 11370.2, H.& S.C.).

15 (15) Commission of any specified drug offense involving a
16 substance containing heroin, cocaine base, cocaine,
17 methamphetamine, amphetamine, or phencyclidine (PCP), when
18 the substance exceeds one kilogram or 30 liters (para. (1), subd.
19 (a), and para. (1), subd. (b), Sec. 11370.4, H.& S.C.).

20 (16) Manufacturing, compounding, converting, producing,
21 deriving, processing, or preparing any substance containing
22 amphetamine, methamphetamine, or phencyclidine (PCP) or its
23 analogs or precursors, or attempting to commit any of those acts,
24 when the substance exceeds three gallons or one pound (para. (1),
25 subd. (a), Sec. 11379.8, H.& S.C.).

26 (17) Four or more prior convictions of specified
27 alcohol-related vehicle offenses with current conviction of driving
28 under the influence and causing great bodily injury (subd. (c), Sec.
29 23566, Veh. C.).

30 (18) Fraudulently appropriating food stamps, electronically
31 transferred benefits, or authorizations to participate in the federal
32 Food Stamp Program entrusted to a public employee, or
33 knowingly using, transferring, selling, purchasing, or possessing,
34 any of the same in an unauthorized manner, when the offense is
35 committed by means of an electronic transfer of benefits in an
36 amount exceeding one million dollars (\$1,000,000), but less than
37 two million five hundred thousand dollars (\$2,500,000) (subpara.
38 (C), para. (1), subd. (h), Sec. 10980, W.& I.C.).

(i) The provisions listed in this subdivision imposing a sentence enhancement of three, four, or five years' imprisonment in the state prison may be referenced as Schedule I.

(1) Commission of felony arson with prior conviction of arson or unlawfully starting a fire, or causing great bodily injury to a firefighter, peace officer, other emergency personnel, or multiple victims, or causing the burning of multiple structures, or using an accelerator or ignition delay device (subd. (a), Sec. 451.1, Pen. C.).

(2) Commission or attempted commission of any specified drug offense while personally armed with a firearm (subd. (c), Sec. 12022, Pen. C.).

(3) Personally inflicting great bodily injury under circumstances involving domestic violence in the commission or attempted commission of a felony (subd. (e), Sec. 12022.7, Pen. C.).

(4) Commission of any specified drug offense involving cocaine base, heroin, or methamphetamine, or a conspiracy to commit any of those offenses, upon the grounds of, or within 1,000 feet of, a school during school hours or when minors are using the facility (subd. (b), Sec. 11353.6, H.& S.C.).

(5) Commission of any specified drug offense involving cocaine base, heroin, or methamphetamine, or a conspiracy to violate any of those offenses, involving a minor who is at least four years younger than the defendant (subd. (c), Sec. 11353.6, H.& S.C.).

(j) The provisions listed in this subdivision imposing a sentence enhancement of 3, 4, or 10 years' imprisonment in the state prison may be referenced as Schedule J.

(1) Commission or attempted commission of any felony while armed with a firearm and in the immediate possession of ammunition for the firearm designed primarily to penetrate metal or armor (subd. (a), Sec. 12022.2, Pen. C.).

(2) Commission or attempted commission of any specified sex offense while using a firearm or deadly weapon (subd. (a), Sec. 12022.3, Pen. C.).

(3) Commission or attempted commission of a felony while personally using a firearm (para. (1), subd. (a), Sec. 12022.5, Pen. C.).

(4) Commission or attempted commission of any specified drug offense while personally using a firearm (subd. (c), Sec. 12022.5, Pen. C.).

(k) The provisions listed in this subdivision imposing a sentence enhancement of four years' imprisonment in the state prison may be referenced as Schedule K.

(1) Money laundering when the value of transactions exceeds two million five hundred thousand dollars (\$2,500,000) (subpara. (D), para. (1), subd. (c), Sec. 186.10, Pen. C.).

(2) Prior conviction of willfully inflicting upon a child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition with current conviction of that offense (subd. (b), Sec. 273d, Pen. C.).

(3) Taking, damaging, or destroying any property in the commission or attempted commission of a felony with the intent to cause that taking, damage, or destruction when the loss exceeds two million five hundred thousand dollars (\$2,500,000) (para. (4), subd. (a), Sec. 12022.6, Pen. C.).

(4) Personally, willfully, and maliciously discharging a firearm from a motor vehicle at another person other than an occupant of a motor vehicle and causing a victim to suffer paralysis or paraparesis of a major body part (para. (1), subd. (b), Sec. 12022.9, Pen. C.).

(5) Personally, willfully, and maliciously discharging a firearm from a motor vehicle at another occupied motor vehicle and causing a victim to suffer paralysis or paraparesis of a major body part (para. (2), subd. (b), Sec. 12022.9, Pen. C.).

(6) Willfully causing or permitting any child to suffer, or inflicting on the child unjustifiable physical pain or injury that results in death under circumstances or conditions likely to produce great bodily harm or death, or, having the care or custody of any child, willfully causing or permitting that child to be injured or harmed under circumstances likely to produce great bodily harm or death, when that injury or harm results in death (Sec. 12022.95, Pen. C.).

(7) Fraudulently appropriating food stamps, electronically transferred benefits, or authorizations to participate in the federal Food Stamp Program entrusted to a public employee, or knowingly using, transferring, selling, purchasing, or possessing, any of the same in an unauthorized manner, when the offense is

1 committed by means of an electronic transfer of benefits in an
2 amount exceeding two million five hundred thousand dollars
3 (\$2,500,000) (subpara. (D), para. (1), subd. (h), Sec. 10980, W.&
4 I.C.).

5 (8) Execution of a scheme or artifice to defraud the Medi-Cal
6 program or any other health care program administered by the
7 State Department of Health Services or its agents or contractors,
8 or to obtain under false or fraudulent pretenses, representations, or
9 promises any property owned by or under the custody of the
10 Medi-Cal program or any health care program administered by the
11 department, its agents, or contractors under circumstances likely
12 to cause or that do cause two or more persons great bodily injury
13 (subd. (d), Sec. 14107, W.& I.C.).

14 (l) The provisions listed in this subdivision imposing a
15 sentence enhancement of four, five, or six years' imprisonment in
16 the state prison may be referenced as Schedule L.

17 Personally inflicting great bodily injury on a child under the age
18 of five years in the commission or attempted commission of a
19 felony (subd. (d), Sec. 12022.7, Pen. C.).

20 (m) The provisions listed in this subdivision imposing a
21 sentence enhancement of 4, 5, or 10 years' imprisonment in the
22 state prison may be referenced as Schedule M.

23 Commission or attempted commission of a felony while
24 personally using a firearm with prior conviction of carjacking or
25 attempted carjacking (para. (2), subd. (a), Sec. 12022.5, Pen. C.).

26 (n) The provisions listed in this subdivision imposing a
27 sentence enhancement of five years' imprisonment in the state
28 prison may be referenced as Schedule N.

29 (1) Commission of a serious felony for the benefit of, at the
30 direction of, or in association with, any criminal street gang, with
31 the specific intent to promote, further, or assist in any criminal
32 conduct by gang members (subpara. (B), para. (1), subd. (b), Sec.
33 186.22, Pen. C.).

34 (2) Using sex offender registration information to commit a
35 felony (para. (1), subd. (q), Sec. 290, and para. (1), subd. (b), Sec.
36 290.4, Pen. C.).

37 (3) Causing great bodily injury by willfully causing or
38 permitting any elder or dependent adult to suffer, or inflicting pain
39 or mental suffering upon, or endangering the health of, an elder or

1 dependent adult when the victim is 70 years of age or older
2 (subpara. (B), para. (2), subd. (b), Sec. 368, Pen. C.).

3 (4) Causing death by willfully causing or permitting any elder
4 or dependent adult to suffer, or inflicting pain or mental suffering
5 upon, or endangering the health of, an elder or dependent adult
6 when the victim is under 70 years of age (subpara. (A), para. (3),
7 subd. (b), Sec. 368, Pen. C.).

8 (5) Two prior felony convictions of knowingly causing or
9 participating in a vehicular collision or accident for the purpose of
10 presenting any false or fraudulent claim with current conviction of
11 the same (subd. (f), Sec. 550, Pen. C.).

12 (6) Prior conviction of a serious felony with current conviction
13 of a serious felony (para. (1), subd. (a), Sec. 667, Pen. C.).

14 (7) Prior conviction of any specified sex offense with current
15 conviction of lewd and lascivious acts with a child under 14 years
16 of age (subd. (a), Sec. 667.51, Pen. C.).

17 (8) Prior conviction of any specified sex offense with current
18 conviction of any of those sex offenses (subd. (a), Sec. 667.6, Pen.
19 C.).

20 (9) Kidnapping or carrying away any child under 14 years of
21 age with the intent to permanently deprive the parent or legal
22 guardian custody of that child (Sec. 667.85, Pen. C.).

23 (10) Personally inflicting great bodily injury on any person
24 other than an accomplice in the commission or attempted
25 commission of a felony that causes the victim to become comatose
26 due to a brain injury or to suffer paralysis of a permanent nature
27 (subd. (b), Sec. 12022.7, Pen. C.).

28 (11) Personally inflicting great bodily injury on another person
29 who is 70 years of age or older other than an accomplice in the
30 commission or attempted commission of a felony (subd. (c), Sec.
31 12022.7, Pen. C.).

32 (12) Inflicting great bodily injury on any victim in the
33 commission or attempted commission of any specified sex offense
34 (Sec. 12022.8, Pen. C.).

35 (13) Personally and intentionally inflicting injury upon a
36 pregnant woman during the commission or attempted commission
37 of a felony that results in the termination of the pregnancy when
38 the defendant knew or reasonably should have known that the
39 victim was pregnant (subd. (a), Sec. 12022.9, Pen. C.).

1 (14) Using information disclosed to the licensee of a
2 community care facility by a prospective client regarding his or her
3 status as a sex offender to commit a felony (subd. (c), Sec. 1522.01,
4 H.& S.C.).

5 (15) Commission of any specified drug offense involving a
6 substance containing heroin, cocaine base, cocaine,
7 methamphetamine, amphetamine, or phencyclidine (PCP), when
8 the substance exceeds 4 kilograms or 100 liters (para. (2), subd.
9 (a), and para. (2), subd. (b), Sec. 11370.4, H.& S.C.).

10 (16) Manufacturing, compounding, converting, producing,
11 deriving, processing, or preparing methamphetamine or
12 phencyclidine (PCP), or attempting to commit any of those acts,
13 or possessing specified combinations of substances with the intent
14 to manufacture either methamphetamine or phencyclidine (PCP),
15 when the commission of the crime causes any child under 16 years
16 of age to suffer great bodily injury (subd. (b), Sec. 11379.7, H.&
17 S.C.).

18 (17) Manufacturing, compounding, converting, producing,
19 deriving, processing, or preparing any substance containing
20 amphetamine, methamphetamine, or phencyclidine (PCP) or its
21 analogs or precursors, or attempting to commit any of those acts,
22 when the substance exceeds 10 gallons or three pounds (para. (2),
23 subd. (a), Sec. 11379.8, H.& S.C.).

24 (18) Fleeing the scene of the crime after commission of
25 vehicular manslaughter (subd. (c), Sec. 20001, Veh. C.).

26 (o) The provisions listed in this subdivision imposing a
27 sentence enhancement of 5, 6, or 10 years' imprisonment in the
28 state prison may be referenced as Schedule O.

29 (1) Discharging a firearm at an occupied motor vehicle in the
30 commission or attempted commission of a felony which caused
31 great bodily injury or death to another person (para. (1), subd. (b),
32 Sec. 12022.5, Pen. C.).

33 (2) Commission or attempted commission of a felony while
34 personally using an assault weapon or a machinegun (para. (2),
35 subd. (b), Sec. 12022.5, Pen. C.).

36 (3) Discharging a firearm from a motor vehicle in the
37 commission or attempted commission of a felony with the intent
38 to inflict great bodily injury or death and causing great bodily
39 injury or death (Sec. 12022.55, Pen. C.).

1 (p) The provisions listed in this subdivision imposing a
2 sentence enhancement of seven years' imprisonment in the state
3 prison may be referenced as Schedule P.

4 Causing death by willfully causing or permitting any elder or
5 dependent adult to suffer, or inflicting pain or mental suffering
6 upon, or endangering the health of, an elder or dependent adult
7 when the victim is 70 years of age or older (subpara. (B), para. (3),
8 subd. (b), Sec. 368, Pen. C.).

9 (q) The provisions listed in this subdivision imposing a
10 sentence enhancement of nine years' imprisonment in the state
11 prison may be referenced as Schedule Q.

12 Kidnapping a victim for the purpose of committing any
13 specified felony sex offense (subd. (a), Sec. 667.8, Pen. C.).

14 (r) The provisions listed in this subdivision imposing a
15 sentence enhancement of 10 years' imprisonment in the state
16 prison may be referenced as Schedule R.

17 (1) Commission of a violent felony for the benefit of, at the
18 direction of, or in association with, any criminal street gang, with
19 the specific intent to promote, further, or assist in any criminal
20 conduct by gang members (subpara. (C), para. (1), subd. (b), Sec.
21 186.22, Pen. C.).

22 (2) Two or more prior prison terms for any specified sex
23 offense with current conviction of any of those sex offenses (subd.
24 (b), Sec. 667.6, Pen. C.).

25 (3) Commission or attempted commission of any specified
26 felony offense while personally using a firearm (subd. (b), Sec.
27 12022.53, Pen. C.).

28 (4) Commission of any specified drug offense involving a
29 substance containing heroin, cocaine base, cocaine,
30 methamphetamine, amphetamine, or phencyclidine (PCP), when
31 the substance exceeds 10 kilograms or 200 liters (para. (3), subd.
32 (a), and para. (3), subd. (b), Sec. 11370.4, H.& S.C.).

33 (5) Manufacturing, compounding, converting, producing,
34 deriving, processing, or preparing any substance containing
35 amphetamine, methamphetamine, or phencyclidine (PCP) or its
36 analogs or precursors, or attempting to commit any of those acts,
37 when the substance exceeds 25 gallons or 10 pounds (para. (3),
38 subd. (a), Sec. 11379.8, H.& S.C.).

(s) The provisions listed in this subdivision imposing a sentence enhancement of 15 years' imprisonment in the state prison may be referenced as Schedule S.

(1) Kidnapping a victim under 14 years of age for the purpose of committing any specified felony sex offense (subd. (b), Sec. 667.8, Pen. C.).

(2) Commission of any specified drug offense involving a substance containing heroin, cocaine base, cocaine, methamphetamine, amphetamine, or phencyclidine (PCP), when the substance exceeds 20 kilograms or 400 liters (para. (4), subd. (a), and para. (4), subd. (b), Sec. 11370.4, H.& S.C.).

(3) Manufacturing, compounding, converting, producing, deriving, processing, or preparing any substance containing amphetamine, methamphetamine, or phencyclidine (PCP) or its analogs or precursors, or attempting to commit any of those acts, when the substance exceeds 105 gallons or 44 pounds (para. (4), subd. (a), Sec. 11379.8, H.& S.C.).

(t) The provisions listed in this subdivision imposing a sentence enhancement of 20 years' imprisonment in the state prison may be referenced as Schedule T.

(1) Intentionally and personally discharging a firearm in the commission or attempted commission of any specified felony offense (subd. (c), Sec. 12022.53, Pen. C.).

(2) Commission of any specified drug offense involving a substance containing heroin, cocaine base, or cocaine, when the substance exceeds 40 kilograms (para. (5), subd. (a), Sec. 11370.4, H.& S.C.).

(u) The provisions listed in this subdivision imposing a sentence enhancement of 25 years' imprisonment in the state prison may be referenced as Schedule U.

Commission of any specified drug offense involving a substance containing heroin, cocaine base, or cocaine, when the substance exceeds 80 kilograms (para. (6), subd. (a), Sec. 11370.4, H.& S.C.).

(v) The provisions listed in this subdivision imposing a sentence enhancement of 25 years to life imprisonment in the state prison may be referenced as Schedule V.

Intentionally and personally discharging a firearm in the commission or attempted commission of any specified felony

1 offense and proximately causing great bodily injury to any person
2 other than an accomplice (subd. (d), Sec. 12022.53, Pen. C.).

3 ~~SEC. 3.—Section 11160 of the Penal Code is amended to read:~~

4 ~~11160. (a) Any health practitioner employed in a health~~
5 ~~facility, clinic, physician's office, local or state public health~~
6 ~~department, or a clinic or other type of facility operated by a local~~
7 ~~or state public health department who, in his or her professional~~
8 ~~capacity or within the scope of his or her employment, provides~~
9 ~~medical services for a physical condition to a patient whom he or~~
10 ~~she knows or reasonably suspects is a person described as follows;~~
11 ~~shall immediately make a report in accordance with subdivision~~
12 ~~(b):~~

13 ~~(1) Any person suffering from any wound or other physical~~
14 ~~injury inflicted by his or her own act or inflicted by another where~~
15 ~~the injury is by means of a firearm.~~

16 ~~(2) (A) Any person suffering from any wound or other~~
17 ~~physical injury inflicted upon the person where the injury is the~~
18 ~~result of assaultive or abusive conduct.~~

19 ~~(B) For the purposes of this paragraph, "physical injury"~~
20 ~~includes, but is not limited to, the detection of amphetamine,~~
21 ~~methamphetamine, lysergic acid diethylamide, phenylelidine, or~~
22 ~~any metabolite of these controlled substances, in the saliva, urine,~~
23 ~~or blood of any child under 12 years of age.~~

24 ~~(b) Any health practitioner employed in a health facility, clinic,~~
25 ~~physician's office, local or state public health department, or a~~
26 ~~clinic or other type of facility operated by a local or state public~~
27 ~~health department shall make a report regarding persons described~~
28 ~~in subdivision (a) to a local law enforcement agency as follows:~~

29 ~~(1) A report by telephone shall be made immediately or as soon~~
30 ~~as practically possible.~~

31 ~~(2) A written report shall be prepared on the standard form~~
32 ~~developed in compliance with paragraph (4) of this subdivision,~~
33 ~~and Section 11160.2, and adopted by the Office of Criminal Justice~~
34 ~~Planning as of December 31, 2003, or on a form developed and~~
35 ~~adopted by another state agency that otherwise fulfills the~~
36 ~~requirements of the standard form. The completed form shall be~~
37 ~~sent to a local law enforcement agency within two working days~~
38 ~~of receiving the information regarding the person.~~

39 ~~(3) A local law enforcement agency shall be notified and a~~
40 ~~written report shall be prepared and sent pursuant to paragraphs (1)~~

1 and (2) even if the person who suffered the wound, other injury,
2 or assaultive or abusive conduct has expired, regardless of whether
3 or not the wound, other injury, or assaultive or abusive conduct
4 was a factor contributing to the death, and even if the evidence of
5 the conduct of the perpetrator of the wound, other injury, or
6 assaultive or abusive conduct was discovered during an autopsy.

7 (4) The report shall include, but shall not be limited to, the
8 following:

9 (A) The name of the injured person, if known.

10 (B) The injured person's whereabouts.

11 (C) The character and extent of the person's injuries.

12 (D) The identity of any person the injured person alleges
13 inflicted the wound, other injury, or assaultive or abusive conduct
14 upon the injured person.

15 (e) For the purposes of this section, "injury" shall not include
16 any psychological or physical condition brought about solely
17 through the voluntary administration of a narcotic or restricted
18 dangerous drug.

19 (d) For the purposes of this section, "assaultive or abusive
20 conduct" shall include any of the following offenses:

21 (1) Murder, in violation of Section 187.

22 (2) Manslaughter, in violation of Section 192 or 192.5.

23 (3) Mayhem, in violation of Section 203.

24 (4) Aggravated mayhem, in violation of Section 205.

25 (5) Torture, in violation of Section 206.

26 (6) Assault with intent to commit mayhem, rape, sodomy, or
27 oral copulation, in violation of Section 220.

28 (7) Administering controlled substances or anesthetic to aid in
29 commission of a felony, in violation of Section 222.

30 (8) Battery, in violation of Section 242.

31 (9) Sexual battery, in violation of Section 243.4.

32 (10) Incest, in violation of Section 285.

33 (11) Throwing any vitriol, corrosive acid, or caustic chemical
34 with intent to injure or disfigure, in violation of Section 244.

35 (12) Assault with a stun gun or taser, in violation of Section
36 244.5.

37 (13) Assault with a deadly weapon, firearm, assault weapon, or
38 machinegun, or by means likely to produce great bodily injury, in
39 violation of Section 245.

40 (14) Rape, in violation of Section 261.

1 ~~(15) Spousal rape, in violation of Section 262.~~

2 ~~(16) Procuring any female to have sex with another man, in~~
3 ~~violation of Section 266, 266a, 266b, or 266c.~~

4 ~~(17) Child abuse or endangerment, in violation of Section 273a~~
5 ~~or 273d.~~

6 ~~(18) Abuse of spouse or cohabitant, in violation of Section~~
7 ~~273.5.~~

8 ~~(19) Sodomy, in violation of Section 286.~~

9 ~~(20) Lewd and lascivious acts with a child, in violation of~~
10 ~~Section 288.~~

11 ~~(21) Oral copulation, in violation of Section 288a.~~

12 ~~(22) Sexual penetration, in violation of Section 289.~~

13 ~~(23) Elder abuse, in violation of Section 368.~~

14 ~~(24) An attempt to commit any crime specified in paragraphs~~
15 ~~(1) to (23), inclusive.~~

16 ~~(e) When two or more persons who are required to report are~~
17 ~~present and jointly have knowledge of a known or suspected~~
18 ~~instance of violence that is required to be reported pursuant to this~~
19 ~~section, and when there is an agreement among these persons to~~
20 ~~report as a team, the team may select by mutual agreement a~~
21 ~~member of the team to make a report by telephone and a single~~
22 ~~written report, as required by subdivision (b). The written report~~
23 ~~shall be signed by the selected member of the reporting team. Any~~
24 ~~member who has knowledge that the member designated to report~~
25 ~~has failed to do so shall thereafter make the report.~~

26 ~~(f) The reporting duties under this section are individual,~~
27 ~~except as provided in subdivision (e).~~

28 ~~(g) No supervisor or administrator shall impede or inhibit the~~
29 ~~reporting duties required under this section and no person making~~
30 ~~a report pursuant to this section shall be subject to any sanction for~~
31 ~~making the report. However, internal procedures to facilitate~~
32 ~~reporting and apprise supervisors and administrators of reports~~
33 ~~may be established, except that these procedures shall not be~~
34 ~~inconsistent with this article. The internal procedures shall not~~
35 ~~require any employee required to make a report under this article~~
36 ~~to disclose his or her identity to the employer.~~

37 ~~(h) For the purposes of this section, it is the Legislature's intent~~
38 ~~to avoid duplication of information.~~

39 ~~SEC. 4.~~

1 *SEC. 3.* No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 the only costs that may be incurred by a local agency or school
4 district will be incurred because this act creates a new crime or
5 infraction, eliminates a crime or infraction, or changes the penalty
6 for a crime or infraction, within the meaning of Section 17556 of
7 the Government Code, or changes the definition of a crime within
8 the meaning of Section 6 of Article XIII B of the California
9 Constitution.

